



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

August 31, 2021

**VIA ECF**

The Honorable Gabriel W. Gorenstein  
United States Magistrate Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, N.Y. 10007

Re: *Schulte v. Bureau of Prisons et al.*, 20 Civ. 2795 (PGG) (GWG)

Dear Judge Gorenstein:

We write to notify the Court that defendant Brian Thiroway was properly served with this action and, like the other individual defendants in this action, intends to file a motion to dismiss the amended complaint before Judge Gardephe on the grounds, *inter alia*, that the plaintiff does not state a claim against him pursuant to *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971). Pursuant to the Court's August 27, 2021 order (Dkt. #61), Mr. Thiroway will file the motion before Judge Gardephe on or before September 24, 2021.

Thank you for your attention to this matter.

Respectfully,  
AUDREY STRAUSS  
United States Attorney  
Southern District of New York

By: /s/ Tara Schwartz  
ELLEN BLAIN  
TARA SCHWARTZ  
Assistant United States Attorney  
86 Chambers Street, Third Floor  
New York, New York 10007  
Tel.: (212) 637-2743/2633  
Email: [ellen.blain@usdoj.gov](mailto:ellen.blain@usdoj.gov)  
[tara.schwartz@usdoj.gov](mailto:tara.schwartz@usdoj.gov)

Cc: (via certified mail)

Joshua Adam Schulte  
Reg. No. 79471-054  
MCC New York  
150 Park Row  
New York, NY 1000